In the High Court of Punjab and Haryana at Chandigarh.

Crl. M.No. 22701-M of 2007
Date of decision:28.4.2007

Inderjit Singh

Petitioner

Vs.

State of Punjab

Respondent

Coram: Hon'ble Mr. Justice S.S.Saron.

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Present: Mr.V.D.Goyal, Advocate,
for the petitioner.
Mr. I.P.S.Sidhu, Sr. DAG, Punjab.
Mr.J.S.Mor, Advocate,
for Mr. Narender Hooda, advocate,
for the complainant.

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S.S.Saron J.(Oral)

F.I.R. has been registered on the complaint made by Smt. Ranjit Walia @ Ranjit Kaur wife of Tarlochan Singh Walia. The case of the complainant is that the house in the name of her husband Tarlochan Singh Walia i.e. H.No. 2104, Phase-X(Sector-64), Mohali, has been purchased by the petitioner by getting someone to impersonate as Tarlochan Singh Walia. The sale deed in respect of the said house was executed on 7.4.2006 when at that time the husband of the complainant was out of India. He was in fact away from 1999 till 31.12.2006.

Learned counsel for the petitioner submits that the petitioner is sought to be falsely implicated . In fact, he is the sufferer in the case as fraud has been committed upon him and the police is seeking to arrest him. It is further stated that no objection certificate was issued by the Punjab Urban Development Authority (PUDA), Mohali and thereafter the Bank

loan was raised by the petitioner from UCO Bank. It is submitted that the Bank officials also verified the title of the property and thereafter, the loan was sanctioned on the basis of which the house was purchased. It is further submitted that the petitioner has been paying the installments of the loan. Besides, Tarlochan Singh Walia himself has not made any grievance with regard to the sale of the house.

In response, learned counsel for the State and the complainant have submitted that the custody of the petitioner is necessary as the entire fraud has to be unearthed. It is submitted that the person who impersonated as Tarlochan Singh Walia is to be identified from the petitioner. Further, it is submitted that the amount that has been paid is to be ascertained as to whom it has been actually paid. Besides, the petitioner has further sold the house in dispute to one Pawan Manchanda and Sandeep Singh for a sum of Rs. 1,38,000,00/- and has received Rs. 33 lacs as earnest money.

I have given my thoughtful consideration to the contentions of the learned counsel for the parties and have perused the documents of the case. A perusal of the photo copy of the sale deed dated 7.4.2006 shows that two advocates signed as marginal witnesses on the sale deed and draft of the sale deed has been approved by one of them. During the course of hearing, the petitioner has not clearly stated as to who introduced him to the seller Tarlochan Singh Walia. On the asking of the Court, he stated that the same was through one property dealer, namely, Kulbir Singh. Learned counsel for the petitioner is unable to give the particulars of the said property dealer. Even otherwise, it may appropriately be noticed that the sale deed dated 7.4.2006 is not signed by the said Kulbir Singh as a marginal witness. He would be the best person to identify the actual person

who had impersonated as Tarlochan Singh Walia. Learned State counsel has also submitted, during the course of hearing that earlier the PUDA authorities had declined to give no objection certificate to the seller Tarlochan Singh Walia on the ground that his signatures did not tally. However, later on an affidavit was submitted, which was attested by a Magistrate as regards his signatures. It is thereafter that no objection certificate was issued to the seller of the house.

In the afore-noticed circumstances, the custodial interrogation of the petitioner would be qualitatively more effective and elicitation oriented. The custody of the petitioner would be necessary so as to enable the investigation to ascertain the actual and true facts with respect to the transaction on the basis of which the house in question was purchased by him in pursuance of the sale deed dated 7.4.2006.

For the fore-going reasons, there is no merit in this petition and the same is accordingly dismissed.

(S.S.SARON)
JUDGE

April 28, 2007
paramjit